Court no.3

Criminal Misc. Transfer application no.17 of 2002

Hem Raj Chhabra and others ---------- Petitioners

Versus

State and others -------- Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri Govind Singh Bist, learned counsel for the petitioners and Sri S.K.Mandal, learned counsel for the complainant-respondent no.3

This is a petition u/s 407 Cr.P.C. for transfer of S.T.No.27/2000 State Vs. Hemraj and others pending before the Sessions Judge, Udham Singh Nagar to some other district. The reason for the same is that the complainant-respondent no.3 had been threatening the petitioner with dire consequences with the help of unsocial elements who are inimical to the petitioner. It has been averred in the counter-affidavit that the witnesses in the sessions trial have been examined and further, the learned counsel for the respondent no.3 stated at the bar that all the witnesses of fact in the said trial have been examined. It was stated that two other cases of civil nature are pending in the same district Udham Singh Nagar and that it was argued that the petition was filed merely to delay the disposal of the sessions trial. Considering these facts, it is obvious that the petition for transfer has no force and the sessions trial could very well be logically terminated in district Udham Singh Nagar itself without any harm to the petitioner. In view thereof, the petition has no force and is hereby dismissed.

(Irshad Hussain, J.)

1.11.2002

MPS